

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

WINSOR STEELMAN FYFE,)	
)	
Petitioner,)	
)	
vs.)	NO. CIV-07-446-T
)	
)	
ALBERTO R. GONZALES, Attorney General,)	
et al.,)	
)	
Respondents.)	

ORDER


Before the court is the Report and Recommendation [Doc. No. 12] of United States Magistrate Judge Valerie K. Couch, to whom this matter was referred for initial proceedings pursuant to 28 U.S.C. § 636(b)(1)(B). At the time this action was filed, petitioner was in the custody of the United States Immigration and Customs Enforcement; he brought this habeas corpus action to challenge his continued confinement at the Oklahoma County Detention Center. The respondents filed a motion to dismiss this action as moot because petitioner was no longer in custody and had been removed to Jamaica. Petitioner did not file a response to the motion.

Judge Couch reviewed the facts and the applicable law and determined that the petition is moot. Therefore, in the Report and Recommendation, she recommended that the motion to dismiss [Doc. No. 10] be granted and that this action be dismissed as moot.

In the Report and Recommendation, Judge Couch also advised the petitioner of his right to object to same, and set a July 12, 2007 deadline for filing objections. She also advised petitioner that his failure to timely object would constitute a waiver of his right to appellate review of the

factual findings and legal conclusions contained in the Report and Recommendation. To date, petitioner has not filed an objection and has not sought an extension of time in which to do so. Inasmuch as petitioner has failed to object, the Report and Recommendation [Doc. No.12] is adopted as though fully set forth herein. Accordingly, the motion to dismiss [Doc. No. 10] is granted, and this action is dismissed.

IT IS SO ORDERED this 30th day of July, 2007.



RALPH G. THOMPSON
UNITED STATES DISTRICT JUDGE

